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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/08/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/767,964

Applicant(s)

MATSUMOTO, HIDEHIRO

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 5, 6 - 7/21/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-25 are presented for examination.

Claim Objections

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Office and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim lacks proper antecedent basis:

- i. Claim 18, line 8 - "the information transmission source".

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- b. The claim language in the following claims is unclear:
 - ii. Claim 18, lines 7-9. – it is unclear if the gateway apparatus or the information transmission source generates the acquisition request.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 and 6 are rejected under 35 U.S.C 102(e) as being anticipated by Fujini et al (hereinafter Fujini), U.S Patent No. 6,085, 222.

6. As to claim 1, Fujini teaches a communication system comprising:
a client including setting means for setting a parameter and notification means for

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notifying the parameter set by said setting means (column 4, lines 1-20 where the priority level is a parameter of the client and which is transmitted, "notifying", the gateway);

a gateway apparatus including acquisition means for generating an information acquisition request on the basis of the parameter notified by said notification means, information storage means for temporarily storing information received in response to the acquisition request generated by said acquisition request means, and information transfer means for transferring the information stored in said information storage means to said client (column 4, lines 25-47 and column 5, line 45 to column 6, line 20); and

an information source server including information storage means for storing the information acquired by said acquisition request means, and information transmission means for transmitting the information stored in said information storage means to said gateway apparatus upon reception of the acquisition request (column 5, lines 38-44 and lines 63-66).

7. As to claim 6, Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38).

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kito (hereinafter Kito), U.S. Patent No. 5,946,464, in view of Lee, U.S. Patent No. 6,542,506, in further view of applicant's admitted prior art (AAPA).

10. As to claim 2, Kito teaches a communication system comprising:

a client including creation request means for requesting creation of an agent for information acquisition and notification means for notifying a parameter to be set in the agent created by said creation request means (column 2, lines 33-34 and column 5, lines 21-31);

a gateway apparatus including storage means for storing the parameter for each agent, an agent for which a creation request is generated by said creation request means, parameter setting means for setting the parameter notified by said notification means in the storage area, and an agent for generating an information acquisition request on the basis of the parameter set by said parameter setting means, temporarily storing information in response to the acquisition request, and transferring the information to said client (column 2, lines 35-52, column 3, lines 1-12 and column 5, lines 31-42 - where the agent server is the gateway apparatus); and

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an information source server including information storage means, connected to said gateway apparatus, for storing information for which an acquisition request is generated by said agent in advance, and information transmission means for transmitting the information stored in said information storage means to said gateway apparatus upon reception of the acquisition means (Figure 2, items 132, 131, 133, 134 and 254, column 8, lines 24-31 and claim 11(f) and (g)).

While Kito does teach a storing data in a predetermined storage area in said storage means for each agent (column 5, lines 34-42) but does not teach a gateway apparatus with storage area reservation means for reserving a predetermined storage area in said storage means or that the gateway apparatus and the information source server are connected via a radio data communication network.

11. Lee teaches a gateway apparatus with storage area reservation means for reserving a predetermined storage area in said storage means (column 5, lines 48-56 and line 65 to column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reservation means in Kito's storage area so that the agents are guaranteed buffer space to temporarily store data.

12. Applicant's admitted prior art (hereinafter AAPA - Figure 1 and page 2, lines 2-14) teaches is it well known and expected in the art for the gateway apparatus to be connected to the information source server via a radio data communication network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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Kito's gateway apparatus to communicate via radio data to the server so they can communicate wirelessly.

13. Claims 3 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Dattatri, U.S Patent No. 6,658,453.

14. Kito does not teach a system wherein said client comprises operation stop instructing means for generating an instruction to stop operation of said agent, and said gateway apparatus comprises agent stopping means for stopping the operation of said agent when an operation stop instruction is generated by said operation stop instructing means.

15. Dattatri teaches a system wherein said client comprises operation stop instructing means for generating an instruction to stop operation of said agent, and said gateway apparatus comprises agent stopping means for stopping the operation of said agent when an operation stop instruction is generated by said operation stop instructing means(column 8, lines 8-14, lines 48-50 and column 13, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stop functionality in Kito's agent and gateway apparatus so the client has control over when to stop agent from operating.

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16. Claims 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Dattatri, in further view of Shostak, U.S Patent No. 5,913,029.

17. As to claim 4, Kito does not teach a system wherein said client comprises delete instructing means for generating an instruct to delete said agent, and said gateway apparatus comprises storage area releasing means for releasing a storage area reserved in said storage means in correspondence with a designated agent when the delete instruction is generated by said delete instructing means.

18. Dattatri teaches a system wherein said client comprises delete instructing means for generating an instruct to delete said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client means to remove the agent from the gateway apparatus.

19. Shostak teaches a system wherein said gateway apparatus comprises storage area releasing means for releasing a storage area reserved in said storage means in correspondence with a designated agent when the delete instruction is generated by said delete instructing means (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing

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means in Kito's gateway apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

20. Claim 5 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, and Dattatri as applied to claim 3 above, in further view of Shostak.

21. As to claim 5, Kito does not teach a system wherein said client comprises delete instructing means for generating an instruct to delete said agent, and said gateway apparatus comprises storage area releasing means for releasing a storage area reserved in said storage means in correspondence with a designated agent when the delete instruction is generated by said delete instructing means.

22. Dattatri teaches a system wherein said client comprises delete instructing means for generating an instruct to delete said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client means to remove the agent from the gateway apparatus.

23. Shostak teaches a system wherein said gateway apparatus comprises storage area releasing means for releasing a storage area reserved in said storage means in correspondence with a designated agent when the delete instruction is generated by said delete instructing

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means (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing means in Kito's gateway apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

24. Claims 7 and 12 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Fujino.

25. Kito does not teach a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

26. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus

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and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

27. Claims 8 and 13 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, and Dattatri, as applied to claims 3 above, in further view of Fujino.

28. Kito does not teach a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

29. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can

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tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

30. Claim 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee, and AAPA as applied to claim 2 above, and Dattatri and Shostak as applied to claim 4 above, in further view of Fujino.

31. Kito does not teach a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

32. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client,

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minimizing the amount of bandwidth wasted (column 4, lines 59-64).

33. Claim 10 is a method that performs the functions of the system of claim 2 and do not further limit or define the invention. Therefore, claim 10 is rejected for the reasons set forth in above paragraphs 7-10 for claim 2.

34. Claim 11 is a method that performs the function of the system of claim 3 and do not further limit or define the invention. Therefore claim 11 is rejected for the reasons set forth in above paragraphs 11-13 for claim 3.

35. Claim 12 is a method that performs the functions of the system of claim 7 and do not further limit or define the invention. Therefore claim 12 is rejected for the reasons set forth in above paragraphs 21-23 for claim 7.

36. Claim 13 is a method that performs the functions of the system of claim 8 and do not further limit or define the invention. Therefore claim 13 is rejected for the reasons set forth in above paragraphs 24-26 for claim 8.

37. Claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, in view of Lee.

38. Kito teaches a gateway apparatus comprising:

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storage means for storing a parameter set for each agent (column 5, lines 31-42);

parameter setting means for setting the parameter (column 5, lines 31-42, where the trigger, filter, action information are the parameters);

an agent for generating an information acquisition request on the basis of the parameter set by said parameter setting means, temporarily storing information received via a radio data communication network in accordance with the acquisition request, and transferring the information to the request source which has generated the agent creation request (column 2, lines 38-52 and column 5, lines 34-42).

While Kito does teach a storing data in a predetermined storage area in said storage means for each agent (column 5, lines 34-42) but does not teach a gateway apparatus with storage area reservation means for reserving a predetermined storage area in said storage means or that the gateway apparatus and the information source server are connected via a radio data communication network.

39. Lee teaches a gateway apparatus with storage area reservation means for reserving a predetermined storage area in said storage means (column 5, lines 48-56 and line 65 to column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reservation means in Kito's storage area so that the agents are guaranteed buffer space to temporarily store data.

40. Claim 15 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14 above, in further view of Dattatri.

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41. Kito does not teach an apparatus wherein when an operation stop instruction is generated for said agent, operation of said agent is stopped.

42. Lee teaches an apparatus wherein when an operation stop instruction is generated for said agent, operation of said agent is stopped (column 8, lines 8-14, lines 48-50 and column 13, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stop functionality in Kito's gateway apparatus so the client has control over when to stop the agent from operating.

43. Claims 16 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14, and in further view of Shostak.

44. Kito does not teach an apparatus wherein when a delete instruction is generated for said agent, a storage area reserved in said storage means is released in correspondence with a designated agent.

45. Dattatri teaches an apparatus wherein a delete instruction is generated for said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client means to remove the agent from the gateway apparatus.

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46. Shostak teaches an apparatus wherein a storage area reserved in said storage means is released in correspondence with a designated agent (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing means in Kito's apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

47. Claim 17 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14 above, and Dattatri as applied to claim 15 above, in further view of Shostak.

48. Kito does not teach an apparatus wherein when a delete instruction is generated for said agent, a storage area reserved in said storage means is released in correspondence with a designated agent.

49. Dattatri teaches an apparatus wherein a delete instruction is generated for said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client means to remove the agent from the gateway apparatus.

50. Shostak teaches an apparatus wherein a storage area reserved in said storage means is released in correspondence with a designated agent (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to include a storage area releasing means in Kito's apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

51. Claim 18 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, in further view of Fujino.

52. Kito does not teach an apparatus wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

53. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's

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parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

54. Claim 19 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri as applied to claim 15 above, in further view of Fujino.

55. Kito does not teach an apparatus wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

56. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has

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generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

57. Claim 20 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri and Shostak as applied to claim 16 above, in further view of Fujino.

58. Kito does not teach an apparatus wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

59. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source

which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

60. Claim 21 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri as applied to claim 15 above and in view of Shostak as applied to claim 17 above, in further view of Fujino.

61. Kito does not teach an apparatus wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

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62. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

63. Claims 22 and 24 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, in view of Fujino.

64. As to claim 22, Kito teaches a client comprising:

creation request means for requesting creation of an agent for information acquisition (column 2, lines 33-34);

notification means for notifying a parameter to be set in the agent created by said creation request means (column 5, lines 32-42); and

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information acquisition means for generating the information acquisition request by using the agent created by said creation request means on the basis of the parameter notified by said notification means (column 4, lines 33-36 and column 5, lines 46-65).

Kito does not teach acquiring the information via a radio data communication network.

65. Fujino teaches a client that acquires information via a radio data communication network (Figure 1, items 11 and 13 and column 3, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include radio communication capability in Kito when the client requires mobility such as a portable telephone.

66. As to claim 24, Kito does not teach a client wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client.

67. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference

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information designated by a user of said client (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

68. Claim 23 and 25 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Fujino as applied to claim 22 above, in further view of Dattatri.

69. Kito does not teach a client wherein operation of the agent created by said creation request means is stopped or the agent is deleted by generating an operation stop instruction or delete instruction for the agent.

70. Dattatri teaches a client wherein operation of the agent created by said creation request means is stopped or the agent is deleted by generating an operation stop instruction or delete instruction for the agent (column 8, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include stop/delete capability for the client in Kito to increase the amount of control and access that the client has over the agent.

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71. As to claim 25, Kito does not teach a client wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client.

72. Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following patents are cited to further the state of the art in regards to communications systems between client, gateways and servers:

U.S Patent No. 5,745,754 to Lagarde et al;

U.S Patent No. 5,903,732 to Reed et al;

U.S Patent No. 6,304,864 to Liddy et al;

U.S Patent No. 6,594,557 to Stefan et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864.

The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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